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SIPDIS

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JUSTICE FOR OPDAT (ROBERT LIPMAN)

SIPDIS

E.O. 12598: N/A
TAGS: PHUM SMIG SNAR KWMN KCRM KJUS GY
SUBJECT: PROPOSAL FOR TRAFFICKING IN PERSONS INCLE PROJECT

REF: 05 STATE 221183

11. Below is Embassy Georgetown's proposal for an FY 2006 INCLE funded anti-trafficking in persons program to build the capacity of the Guyanese criminal justice system:

1A. Title: Technical Assistance Proposal to Increase the Capacity of Guyana's Criminal Justice System to Combat Trafficking in Persons by Advancing and Strengthening Its Institutional Capacity to Investigate, Prosecute, and Adjudicate Such Cases

1B. Name of Recipient Organization/Government Agency:

U.S. Department of Justice
Office of Overseas Prosecutorial, Development,
Assistance and Training (OPDAT)

Attention:

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1C. Duration of the Project and whether project is new or ongoing:

This is a new project with a proposed duration of two (2) years.

1D. Description:

The proposed technical assistance is designed to increase the capacity of Guyana's criminal justice system to combat trafficking in persons (TIP). This will be accomplished by advancing and strengthening Guyana's institutional capacity to investigate, prosecute, and adjudicate TIP cases. The program has five components:

1) A multi-phase component with an objective of enhancing the capacity of law enforcement and civil society (prosecutors, investigators, border officials, victim service providers, and other relevant stakeholders and NGOs) to investigate and prosecute human trafficking and respond appropriately to victims. This component will consist primarily of a series of workshops in which U.S. experts (for example, a prosecutor, an investigator, and a victim-witness expert) help their Guyanese counterparts create an Operations and Tactics Handbook to Combat Trafficking in Persons. This handbook, when completed, will describe the best practices for Guyanese investigators, prosecutors, victim service providers, and other relevant stakeholders and NGOs. The process of developing this handbook will build cooperation between and among criminal justice sector agencies and relevant stakeholders in civil society so that all relevant entities (prosecutors, investigators, border officials, victim service providers, and other relevant stakeholders and NGOs) collaborate effectively to combat human trafficking. The OPDAT trainers/facilitators will explain the importance of maintaining a host country interagency law enforcement working group to combat human trafficking and will provide concrete suggestions for incorporating the interagency law enforcement working group concept into the Operations and Tactics Handbook. The Operations and Tactics Handbook, when completed, can also serve as the core document for the training of Guyanese law enforcement (prosecutors, investigators, border officials,

etc.) on human trafficking. During the course of the workshops it is expected that weaknesses in Guyana's legislative regime will be identified and that the U.S. trainers will make suggestions for legislative changes to enhance Guyana's capacity to combat trafficking in persons, such as criminal code reforms and civil forfeiture of property used to commit crimes (or acquired with the proceeds of crime). (Note: Both the U.S. and the U.K. have enacted and implemented civil forfeiture legislation.). In addition to facilitating the development of the operations handbook, this component of the program will include practical exercises, such as exercises on conducting searches for evidence, investigative teamwork and investigative planning, and interviewing victims. OPDAT will closely coordinate this component of the program with Embassy Georgetown's Pol/Econ Office.

2) A multi-phase "judicial exchange" program spanning two years to facilitate the use of "best practices" by Guyanese judges and magistrates in the adjudication of cases involving trafficking in persons. This program will consist of a series of workshops to sensitize Guyanese judges and magistrates to the seriousness of the crime of trafficking in persons and to help Guyanese judges and magistrates prepare a "benchbook" of best practices for adjudicating human trafficking cases. The workshops would be conducted by U.S. judges in collaboration with Guyanese judges and magistrates (including representatives of the Magistrate Court, the High Court of the Supreme Court of Judicature, and the Court of Appeals). After the initial workshop, Guyanese judges and magistrates selected by Embassy Georgetown would be invited to spend one week "shadowing" a U.S. judge to observe how criminal cases are fairly and effectively adjudicated in the U.S. under the U.S. federal rules of criminal procedure; it is anticipated that eight Guyanese judges (approximately one each quarter) will be able to shadow U.S. judges over the two-year period. OPDAT will closely coordinate this component of the program with Embassy Georgetown's Pol/Econ Office.

3) A public affairs event for policymakers, judges, law enforcement executives, other important government officials, journalists and other members of the news media of Guyana to promote political will to combat trafficking in persons. This public affairs event, which will be co-hosted by Embassy Georgetown and the Government of Guyana, will emphasize that human trafficking is both a global and regional issue. Among other things, this event is intended to enhance political support for intensified efforts by Guyanese law enforcement to combat human trafficking. OPDAT will closely coordinate this component of the program with Embassy Georgetown's Public Affairs Office.

4) A public awareness program in which college and high school students (and, possibly, other students) are encouraged to write articles and create posters about trafficking in persons. Efforts will be undertaken to have select articles published and select posters duplicated and posted. This component of the program will promote public awareness of human trafficking in an effort to enhance prevention, protection, and prosecution. Among other things, such increased public awareness is expected to increase the flow of actionable information about human trafficking to Guyanese law enforcement. OPDAT will closely coordinate this component of the program with Embassy Georgetown's Public Affairs Office.

5) Project monitoring and evaluation (see evaluation plan, below)

The program is entirely sustainable because the technical assistance will, in essence, provide the recipients the "know how" to identify, document and implement the "best practices" for investigating, prosecuting, and adjudicating cases involving human trafficking within the available resources and within the present legal regime of Guyana. Suggestions will also be provided on how to expand those existing resources (through civil forfeiture) and strengthen the existing legal regime (through criminal code reform). All these activities are sustainable because, once the technical assistance provides the host country officials the requisite "know how," the host country officials will be able to sustain and expand the program essentially without cost.

E. Justification: The following summary is derived from the Department of State's 2005 "Trafficking in Persons Report" and other sources. Guyana is a country of origin, transit, and destination for young women and children trafficked primarily for the purpose of sexual exploitation. Much of the trafficking takes place in remote areas of the country's interior, or involves Amerindian girls from the interior trafficked to coastal areas to engage in prostitution and involuntary domestic servitude. Girls promised employment as domestics, waitresses, and bar attendants are trafficked into prostitution; young Amerindian men are exploited under forced labor conditions in timber camps. Guyanese girls and young women are trafficked for sexual exploitation to Suriname and other countries in the region, such as Barbados, Trinidad & Tobago, and Venezuela. Most

foreign victims come from bordering regions of Brazil, and may be trafficked through Guyana to Suriname.

The Government of Guyana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Guyana showed appreciable progress over the last year, particularly through its enactment of anti-trafficking legislation, improvements in government coordination, and aggressive public awareness campaigns. Government law enforcement actions against traffickers remained inadequate despite some progress during the reporting period. In 2004, authorities arrested and released on bail one suspected trafficker pending indictment; no traffickers were prosecuted or convicted. Guyana should work with NGOs to improve services for victims; it should also more aggressively investigate and prosecute traffickers.

The Government of Guyana made good faith efforts to assist trafficking victims over the last year, though protection of victims remained inadequate. Police initially jailed and fined four victims under immigration laws. The Ministry of Labour, Human Services, and Social Security secured their release after determining the four were victims and not traffickers, and arranged for their repatriation. As a result of this case, the Commissioner of Police and Ministry officials stated that they would coordinate more closely and ensure that victims are referred to the Ministry for assistance.

According to a recent news report, Guyana's Minister of Labour, Human Services and Social Security stated that eight persons were brought before the courts in trafficking in persons (TIP) cases, but that there was an ongoing problem when TIP cases were handled by courts located in Guyana's outlying areas. The minister said she planned to ask "the powers that be" to have all the TIP cases handled by one court in the city; the minister had previously told the media that it would also be better if one prosecutor dealt with all such issues. The minister also said she was concerned with the police response to human trafficking, as there were about ten reported cases that had not yet been investigated by the police. She noted that in some instances the matters were pending for so long that the perpetrators had been able to abscond.

The proposed technical assistance is designed to help Guyana identify and implement procedures that will mitigate in a sustainable way the criminal justice system deficiencies noted above.

F. Performance indicators:

- Development by relevant stakeholders (prosecutors, investigators, border officials, victim service providers, and other relevant stakeholders and NGOs) of an Operations and Tactics Handbook to Combat Trafficking in Persons describing the best practices for Guyanese investigators, prosecutors, victim service providers, and other relevant stakeholders and NGOs consistent with the legal regime and resources available in Guyana
- Implementation by relevant stakeholders (prosecutors, investigators, border officials, victim service providers, and other relevant stakeholders and NGOs) of some or all the best practices identified in the an Operations and Tactics Handbook to Combat Trafficking in Persons (described above)
- Use of relevant portions of the Operations and Tactics Handbook to Combat Trafficking in Persons (described above) by Guyana in the training of its law enforcement (prosecutors, investigators, border officials, etc.)
- Development by the Guyanese judiciary of a benchbook describing best practices for the fair and efficient adjudication of cases involving human trafficking, including the appropriate treatment by the court system of victim-witnesses
- Implementation by the Guyanese judiciary of some or all the best practices described in the benchbook (described above) on the fair and efficient adjudication of cases involving human trafficking
- Development by students of Guyana of articles and posters on human trafficking -- specifically, articles and posters designed to enhance prevention, protection, and prosecution; select articles are published and select posters are duplicated and posted
- Favorable newspaper or other media coverage of the public affairs event highlighting that human trafficking is a global an regional problem

G. Evaluation Plan: Project monitoring and evaluation will be undertaken on a continuous basis by OPDAT and Embassy Georgetown; a quarterly report prepared by OPDAT will be submitted to Embassy Georgetown and G/TIP. The project monitoring and evaluation will include regular phone calls, e-mails, and other forms of communication between OPDAT and Embassy Georgetown; to the extent necessary, OPDAT will conduct on-site evaluations. The project

monitoring and evaluations, including the quarterly report, will address the progress of the project and how U.S. tax dollars are helping in the fight against trafficking in persons.

IH. Budget breakout: his will fund the following:

I1. Six (6) workshops for prosecutors and other law enforcement
Per diem Days No. of trainers Sub-total
\$196 6 4 \$4,704

Airfare Local No. of trainers Sub-total
\$1,800 \$100 4 \$7,600

Site expenses per workshop \$2,500
(room rental, coffee breaks, A-V equipment, etc.)
Cost per workshop \$14,804

Six (6) workshops 6 -----
\$88,824

I2. Four (4) workshops for Judges (to be held in Guyana)

Number of Workshops Cost per workshop -----
4 \$14,804 (see above) \$59,216

I3. Judicial exchanges (Eight Guyanese judges and magistrates
"shadow" U.S. judges)

Per diem Days Sub-total
\$250 7 \$1,750

Airfare Local Sub-total
\$1,800 \$100 \$1,900

Cost per judge \$3,650

Total cost for eight judges -----
\$29,200

I4. Public Affairs Event

Per diem Days No. of trainers Sub-total
\$196 4 3 \$2,352

Airfare Local No. of trainers Sub-total
\$1,800 \$100 3 \$5,700

Site expenses \$3,000
(room rental, coffee breaks, A-V equipment, etc.)

Total cost for event -----
\$11,052

I5. Workshops for college students and other students

Per diem Days No. of trainers Sub-total
\$196 6 4 \$4,704

Airfare Local No. of trainers Sub-total
\$1,800 \$100 4 \$7,600

Site expenses for three days \$1,500
(room rental, coffee breaks, A-V equipment, etc.)

Cost of 3 days of workshops in one week \$13,804

Six trips to Guyana over two years -----
\$82,824

I6. Materials and other expenses \$20,000
(Stationary supplies, duplication, shipping, materials, etc.)

Total program expenses \$291,116

OPDAT overhead at 12% of expenses \$34,934

TOTAL PROGRAM COST -----
\$326,050

I1. Type and amount of host government contribution: The core philosophy of this program is that the components of Guyana's criminal justice system and other relevant stakeholders - including the courts, investigators, prosecutors, victim service providers, NGOs, and other relevant stakeholders - are in the best position to know the legal regime of Guyana and the resources available in Guyana and, therefore, they are in the best position to determine the best practices for investigating, prosecuting, and adjudicating cases involving human trafficking within the constraints of that legal regime and the available resources. OPDAT, in coordination with Embassy Georgetown will be the catalyst for the identification of best practices and the host government will make a significant contribution of manpower (by judges, prosecutors, investigators, etc.) in the identification, documentation, and implementation of those best practices.

IJ. Proposed funding mechanism: Letter of Agreement (LOA) (or Amended Letter of Agreement (ALOA) / Inter-Agency agreement with the U.S. Department of Justice (DOJ) (Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT)).

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IL. Other donors: None

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